

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

UNITED STATES OF AMERICA

RESPONDENT

VS.

Case No. 1:86-cr-10004
1:97-cr-10005
1:97-cr-10006

LESLIE ISBEN ROGGE

MOVANT

JUDGMENT

On November 27, 2012, this Court entered a Judgment (ECF No. 78) adopting the Report and Recommendation filed November 6, 2012, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 77).¹ Because no objections to the Report and Recommendation had been filed, and the time for doing so had passed, the Court did not conduct a *de novo* review. *See* 28 U.S.C. § 636(b)(1). On November 29, 2012, two days after the Court's Judgment was entered, Movant Leslie Rogge filed his objections to the Report and Recommendation. (ECF No. 79). While the objections are not timely, the Court will consider them. After reviewing the record *de novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

Judge Bryant recommends that Rogge's motion for relief under 28 U.S.C. § 2255 (ECF Nos. 74 & 77) be denied and the case dismissed with prejudice, as time-barred, successive, and as an abuse of writ. Judge Bryant further recommends that the Clerk of this Court be directed not to accept any future pleading for filing unless Rogge first obtains authorization for such filing from the

¹ All of the docket numbers in this Judgment will refer to the docket in cause no. 1:86-cr-10004.

United States Court of Appeals for the Eighth Circuit or alleges an immediate threat of harm to himself. Finally, pursuant to 28 U.S.C. §1915(a), Judge Bryant recommends that the Court find that an appeal from this dismissal would not be taken in good faith.

Rogge's makes no specific objections to Judge Bryant's Report and Recommendation. Rather, he rehashes the same arguments submitted in his previous petitions. The Court has reviewed these arguments, and Judge Bryant has fully addressed these arguments in his well-reasoned Report and Recommendation. There is no need to repeat that analysis here. Accordingly, the Court overrules Rogge's objections and adopts Judge Bryant's Report and Recommendation (ECF No. 77). For the reasons stated herein and above, as well as those contained in the Report and Recommendation, Rogge's Motion (ECF No. 74 & 77) should be and hereby is **DENIED**, and this case is **DISMISSED WITH PREJUDICE**. The Clerk is directed not to accept any future pleading for filing unless Rogge first obtains authorization for such filing from the United States Court of Appeals for the Eighth Circuit or alleges an immediate threat of harm to himself. Finally, the Court finds that, pursuant to 28 U.S.C. §1915(a), any appeal from this dismissal would not be taken in good faith.

IT IS SO ORDERED, this 18th day of March, 2013.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge